



General Assembly

February Session, 2018

Raised Bill No. 5452

LCO No. 2269



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK
FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) Not later than July 1, 2012, the Department of Education, in
4 conjunction with the Department of Public Health, shall develop, and
5 [make available to each local and regional board of education] revise
6 as necessary, guidelines for the management of students with life-
7 threatening food allergies and glycogen storage disease. The
8 Department of Education shall make the guidelines available to each
9 local and regional board of education. The guidelines shall include, but
10 need not be limited to: (1) Education and training for school personnel
11 on the management of students with life-threatening food allergies and
12 glycogen storage disease, including training related to the
13 administration of medication with a cartridge injector pursuant to
14 subsection (d) of section 10-212a, as amended by this act, and the
15 provision of food or dietary supplements, (2) procedures for

16 responding to life-threatening allergic reactions to food, (3) a process
 17 for the development of individualized health care and food allergy
 18 action plans for every student with a life-threatening food allergy, (4) a
 19 process for the development of individualized health care and
 20 glycogen storage disease action plans for every student with glycogen
 21 storage disease and such plan shall include, but not be limited to, the
 22 provision of food or dietary supplements by the school nurse, or any
 23 school employee approved by the school nurse, to a student with
 24 glycogen storage disease provided such plan shall not prohibit a
 25 parent or guardian, or a person designated by such parent or guardian,
 26 to provide food or dietary supplements to a student with glycogen
 27 storage disease on school grounds during the school day, and (5)
 28 protocols to prevent exposure to food allergens.

29 (b) [Not later than August 15, 2012] (1) For the period of August 15,
 30 2012, to September 30, 2019, inclusive, each local and regional board of
 31 education shall: [(1)] (A) Implement a plan based on the guidelines
 32 developed pursuant to subsection (a) of this section for the
 33 management of students with life-threatening food allergies and
 34 glycogen storage disease enrolled in the schools under its jurisdiction;
 35 [(2)] (B) make such plan available on such board's Internet web site or
 36 the Internet web site of each school under such board's jurisdiction, or
 37 if such Internet web [sites do] site does not exist, make such plan
 38 publicly available through other practicable means as determined by
 39 such board; and [(3)] (C) provide notice of such plan in conjunction
 40 with the annual written statement provided to parents and guardians
 41 as required by subsection (b) of section 10-231c. The superintendent of
 42 schools for each school district shall annually attest to the Department
 43 of Education that such school district is implementing such plan in
 44 accordance with the provisions of this section.

45 (2) On and after October 1, 2019, each local and regional board of
 46 education shall: (A) Implement a plan based on the guidelines
 47 developed on or before July 1, 2012, and any revision made after July 1,
 48 2012, pursuant to subsection (a) of this section, for the management of
 49 students with life-threatening food allergies or glycogen storage

50 disease enrolled in the schools under its jurisdiction; (B) make such
 51 plan available on such board's Internet web site or the Internet web site
 52 of each school under such board's jurisdiction, or, if such Internet web
 53 site does not exist, make such plan publicly available through other
 54 practicable means as determined by such board; (C) provide notice of
 55 such plan in conjunction with the annual written statement provided
 56 to parents and guardians as required by subsection (b) of section 10-
 57 231c; (D) require that all relevant course curriculum and any school
 58 culinary program, other than those offered at a technical high school,
 59 implement allergen restrictions and safety protocols to allow students
 60 with life-threatening food allergies to participate; and (E) include such
 61 plan in any programs relating to school climate or wellness adopted by
 62 such board. The superintendent of schools for each school district shall
 63 annually attest to the Department of Education that such school
 64 district is implementing such plan in accordance with the provisions of
 65 this section.

66 Sec. 2. (*Effective from passage*) Not later than July 1, 2019, the
 67 Department of Education shall (1) revise and update the Healthy and
 68 Balanced Living Curriculum Framework, issued by the department in
 69 2006, to include life-threatening food allergies, (2) revise and update
 70 any culinary arts programs or curriculum standards related to the
 71 National Family and Consumer Sciences Standards adopted by the
 72 State Board of Education to include dietary restrictions, cross-
 73 contaminations and allergen identification, and (3) apply for any
 74 available federal or private funding, in consultation with the
 75 Department of Public Health, to promote public awareness and
 76 education about food allergies.

77 Sec. 3. (NEW) (*Effective July 1, 2018*) Not later than July 1, 2019, the
 78 Departments of Education and Public Health shall jointly develop a
 79 model school bus safety protocol designed to assist school bus
 80 personnel in the event that a student is experiencing a life-threatening
 81 food allergy emergency on a school bus. Such protocol may include,
 82 but need not be limited to, (1) a requirement that each school bus
 83 contain a list of the names of any student with a life-threatening food

84 allergy who regularly rides such school bus and that such list is
 85 updated annually, (2) information and training regarding
 86 cardiopulmonary resuscitation, first aid and the emergency
 87 management and administration of epinephrine, (3) instructions for
 88 the notification of emergency personnel, (4) follow-up and reporting
 89 procedures after a student has experienced an allergic reaction, (5) the
 90 signs and symptoms of anaphylaxis, (6) prevention and risk-reduction
 91 strategies regarding allergic reactions, (7) instructions for carrying out
 92 the provisions of subdivision (1) of subsection (d) of section 10-212a of
 93 the general statutes, as amended by this act, and (8) any other relevant
 94 issues and topics related to emergency first aid to students who
 95 experience allergic reactions. The Department of Education shall make
 96 such protocol available to local and regional boards of education and
 97 post such protocol on the department's Internet web site. For purposes
 98 of this section, "school bus personnel" means any person who is a
 99 volunteer for, employed by or under contract with a local or regional
 100 board of education to drive a school bus, as defined in section 14-1 of
 101 the general statutes, or serves as a school bus monitor.

102 Sec. 4. (NEW) (*Effective July 1, 2018*) A local or regional board of
 103 education may include, in whole or in part, the model school bus
 104 safety protocol, as described in section 3 of this act, in any contract for
 105 the provision of school transportation services entered into or
 106 amended on or after October 1, 2019, by such local or regional board of
 107 education.

108 Sec. 5. Subdivisions (1) and (2) of subsection (a) of section 10-212a of
 109 the general statutes are repealed and the following is substituted in
 110 lieu thereof (*Effective July 1, 2018*):

111 (a) (1) A school nurse or, in the absence of such nurse, any other
 112 nurse licensed pursuant to the provisions of chapter 378, including a
 113 nurse employed by, or providing services under the direction of a local
 114 or regional board of education at, a school-based health clinic, who
 115 shall administer medical preparations only to students enrolled in such
 116 school-based health clinic in the absence of a school nurse, the

117 principal, any teacher, licensed athletic trainer, licensed physical or
118 occupational therapist employed by a school district, [or] coach of
119 intramural and interscholastic athletics of a school or school bus
120 personnel, as defined in section 3 of this act, may administer, subject to
121 the provisions of subdivision (2) of this subsection, medicinal
122 preparations, including such controlled drugs as the Commissioner of
123 Consumer Protection may, by regulation, designate, to any student at
124 such school pursuant to the written order of a physician licensed to
125 practice medicine, or a dentist licensed to practice dental medicine in
126 this or another state, or an optometrist licensed to practice optometry
127 in this state under chapter 380, or an advanced practice registered
128 nurse licensed to prescribe in accordance with section 20-94a, or a
129 physician assistant licensed to prescribe in accordance with section 20-
130 12d, and the written authorization of a parent or guardian of such
131 child. The administration of medicinal preparations by a nurse
132 licensed pursuant to the provisions of chapter 378, a principal, teacher,
133 licensed athletic trainer, licensed physical or occupational therapist
134 employed by a school district, [or] coach or school bus personnel shall
135 be under the general supervision of a school nurse. No such school
136 nurse or other nurse, principal, teacher, licensed athletic trainer,
137 licensed physical or occupational therapist employed by a school
138 district, coach, [or] school paraprofessional or school bus personnel
139 administering medication pursuant to this section shall be liable to
140 such student or a parent or guardian of such student for civil damages
141 for any personal injuries that result from acts or omissions of such
142 school nurse or other nurse, principal, teacher, licensed athletic trainer,
143 licensed physical or occupational therapist employed by a school
144 district, coach, [or] school paraprofessional or school bus personnel
145 administering medication pursuant to this section in administering
146 such preparations that may constitute ordinary negligence. This
147 immunity does not apply to acts or omissions constituting gross, wilful
148 or wanton negligence.

149 (2) Each local and regional board of education that allows a school
150 nurse or, in the absence of such nurse, any other nurse licensed

151 pursuant to the provisions of chapter 378, including a nurse employed
152 by, or providing services under the direction of a local or regional
153 board of education at, a school-based health clinic, who shall
154 administer medical preparations only to students enrolled in such
155 school-based health clinic in the absence of a school nurse, the
156 principal, any teacher, licensed athletic trainer, licensed physical or
157 occupational therapist employed by a school district, coach of
158 intramural and interscholastic athletics, [or] school paraprofessional of
159 a school or school bus personnel, as defined in section 3 of this act, to
160 administer medicine or that allows a student to self-administer
161 medicine, including medicine administered through the use of an
162 asthmatic inhaler or an automatic prefilled cartridge injector or similar
163 automatic injectable equipment, shall adopt written policies and
164 procedures, in accordance with this section and the regulations
165 adopted pursuant to subsection (c) of this section, that shall be
166 approved by the school medical advisor, if any, or other qualified
167 licensed physician. Once so approved, such administration of
168 medication shall be in accordance with such policies and procedures.

169 Sec. 6. Subdivision (1) of subsection (d) of section 10-212a of the
170 general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective July 1, 2018*):

172 (d) (1) (A) With the written authorization of a student's parent or
173 guardian, and (B) pursuant to the written order of a qualified medical
174 professional, a school nurse and a school medical advisor, if any, may
175 jointly approve and provide general supervision to an identified
176 school paraprofessional or an identified school bus personnel, as
177 defined in section 3 of this act, to administer medication, including, but
178 not limited to, medication administered with a cartridge injector, to a
179 specific student with a medically diagnosed allergic condition that
180 may require prompt treatment in order to protect the student against
181 serious harm or death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10-212c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2018</i>	New section
Sec. 4	<i>July 1, 2018</i>	New section
Sec. 5	<i>July 1, 2018</i>	10-212a(a)(1) and (2)
Sec. 6	<i>July 1, 2018</i>	10-212a(d)(1)

Statement of Purpose:

To implement the recommendations of the task force on life-threatening food allergies in schools.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]